

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

LENNISHA REED and LENN REED JR., as  
Co-Administrators of the Estate of LENN  
REED, SR., #B28789,

Plaintiff,

v.

WEXFORD HEALTH SOURCES, INC.,  
VIPIN SHAH, STEPHEN RITZ, and FAIYAZ  
AHMED,

Defendants.

Case Number 3:20-cv-01139-SPM

Judge Stephen P. McGlynn

**CONSENTED MOTION FOR EXTENSION OF TIME**

COME NOW Defendants WEXFORD HEALTH SOURCES, INC., VIPIN SHAH, M.D., and STEPHEN RITZ, D.O., by and through their attorneys, CASSIDAY SCHADE LLP, and for their Consented Motion for Extension of Time, state as follows:

1. On September 23, 2024, the Court amended the scheduling order in this matter. (Doc. 185). The current deadline for Defendants' expert disclosures is November 5, 2024. *Id.*
2. Defendants have made reasonable efforts to comply with the current expert disclosure deadline and come to an agreement with Plaintiffs' counsel concerning the outstanding expert report.
3. On November 2, 2024, undersigned counsel notified Plaintiffs' counsel that a personal matter arose for retained expert Dr. Slish. Given the volume of records required for review and this personal matter, significant time was required for Dr. Slish to prepare his report. Undersigned counsel requested an additional two days to disclose Dr. Slish's report, agreed to extend the discovery deadline two days, and agreed to postpone Dr. Slish's deposition.

4. In an effort of good faith and to provide Plaintiffs with extra time to prepare, Defendants voluntarily disclosed the reports of retained experts Dr. Moriconi and Dr. Pennington<sup>1</sup> early and prior to the November 5, 2024, expert disclosure deadline.

5. Despite the volume of records required for Dr. Slish to review and his personal matter, Defendants were able to timely produce the report of Dr. Slish on November 5, 2024. Nonetheless, Defendants agreed to honor the postponement of Dr. Slish's deposition, which is now scheduled to occur on November 20, 2024.

6. As of November 5, 2024, the current deadline for Defendants' expert disclosures, the reports of all medical experts have been disclosed to Plaintiffs. In total between this matter and the *Wiley* matter, Defendants produced their expert disclosures and five expert reports.

7. Defendants have also retained a statistician and methodologist in this case. Amongst other subjects, he assessed the report of Dr. Venters that was untimely disclosed on August 7, 2024. Then, after Plaintiffs sought an extension of time (that Defendants consented to) for one month due to counsel leaving the firm, Dr. Venters' deposition took place over the course of two days, September 25<sup>th</sup> and 26<sup>th</sup>, for a total of more than 14 hours. The lengthy transcript was received on or about October 11, 2024.

8. Despite working diligently to prepare the numerous expert reports in this matter and the *Wiley* matter, on November 5, 2024, Defendants contacted Plaintiffs' counsel and alternatively requested the two-day extension for the reports of retained expert Mr. Heidari instead of Dr. Slish. While one of his reports will be timely disclosed, both Mr. Heidari and counsel require two additional days to finalize the remainder.<sup>2</sup>

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<sup>1</sup> Dr. Pennington is retained in the *Wiley* case only; however, the deadline is the same for each case

<sup>2</sup> In addition to the volume of work in these matters and other, today is election day and counsel working on this matter has been unavailable for a period of time to vote.

9. After discussions, Plaintiffs consented to the two-day extension. It is Defendants' position that this type of extension can be agreed to by the parties without filing a motion. However, Plaintiffs' consent was contingent on Defendants filing this motion and including the following language, "On August 7, 2024, Defendants filed an emergency motion to strike Plaintiffs' expert reports. That day, to cure the two-day delay of their expert disclosures, Plaintiffs proposed that Defendants withdraw their motions to strike in exchange for a two-day extension of Defendants' expert disclosures deadline. Defendants rejected Plaintiff's proposal.<sup>3</sup> Then, on November 2, 2024, Defendants requested a two-day extension to disclose their expert reports. Plaintiffs again proposed that Defendants withdraw their motions to strike in exchange for Plaintiffs' agreement to a two-day extension. Plaintiffs again suggested this would cure the two-day delay in serving Plaintiffs' expert reports. Defendants again refused. Nonetheless, Plaintiffs agreed to the two-day extension."

10. Defendants seek this short extension in good faith and not to delay the matter. Defendants do not expect this short extension will affect subsequent deadlines in this case. Defendants have proactively attempted to alleviate any prejudice to Plaintiffs by both disclosing expert reports early and extending the time for depositions.

WHEREFORE, Defendants respectfully request the Court grant their Motion for Extension of Time, grant them a two-day extension to disclose the reports of Mr. Heidari, and for any other remedy deemed just.

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<sup>3</sup> As already briefed, the issue on August 7<sup>th</sup> was not primarily the Defendants' expert disclosure deadline but was the deposition of Dr. Schmidt scheduled within a week's time.

CASSIDAY SCHADE LLP

By: /s/ Jaclyn A. Kinkade  
One of the Attorneys for Defendants  
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**CERTIFICATE OF SERVICE**

I hereby certify that on November 5, 2024, I electronically filed the foregoing with the Clerk of the Court for the Southern District of Illinois using the CM/ECF system. The electronic case filing system sent a “Notice of E-Filing” to the following:

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